



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of

Albert Galan I Llongueras

Confirmation: 6368

Appln. No.: 10/540,429

Filed: July 07, 2205

For: **FLUID SPINNING SYSTEM**

Attorney Docket No.: **600.008**

Customer number: **000058152**

PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.497(d)

Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned, on behalf of the Applicant, petitions the Commissioner to enter and consider the PETITION TO CORRECT INVENTORSHIP IN A NON-PROVISIONAL PATENT APPLICATION under 37 CFR § 1.497(d) filed concurrently herewith. The undersigned attorney submits:

1. This petition is to correct the spelling of the last name of the inventor in the International Application No. PCT/ES03/00655 filed December 23, 2003 during the US National Phase.

2. A statement by the inventor as specified in paragraph (1) of 37 CFR §1.479 (d),

3. A declaration executed by the inventor including the correction of his last name as required by 37 C.F.R. § 1.497(d) (4); and

4. The required processing fee of \$130 as set forth in 37 C.F.R. §1.17(i).

During the filing of the International Application, the last name of the inventor was incorrectly listed as Galan I Llangueras. The correct spelling of the last name should be Galan I Llongueras. Unfortunately, the error was not discovered during the International phase.



Respectfully submitted,

A handwritten signature in black ink, appearing to read "Evelyn A. Defilló".

Evelyn A. Defilló
Registration No. 45,630

DEFILLO & ASSOCIATES
4922 Eagle Cove South Drive
Palm Harbor, FL 34685

727 772-5916 telephone

Date: **September 20, 2006**

CERTIFICATE OF MAILING

I hereby certify that the foregoing PETITION TO CORRECT INVENTORSHIP UNDER 37 CFR 1.497(d) for U.S. Application No. 10/540,429 filed July 07, 2005, was deposited in first class U.S. mail, with sufficient postage, addressed to: Mail Stop Missing Requirements Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on **September 20, 2006**.

A handwritten signature in black ink, appearing to read "Evelyn A. Defilló".

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Albert Galan I Llongueras Confirmation: 6368

Appn. No.: 10/540,429

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For: **FLUID SPINNING SYSTEM**

Attorney Docket No.: **600.008**

Customer number: **000058152**

STATEMENT UNDER 37 C.F.R. § 1.497(d)(1)

Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450



Sir:

The undersigned petitions the Commissioner to correct the spelling of his last name which was incorrectly spelled in the International Application No. PCT/ES03/00655 filed December 23, 2003 as :

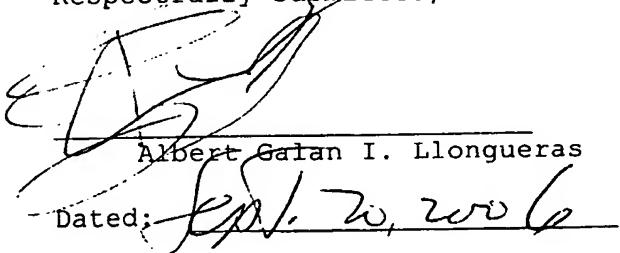
Albert Galan I Llangueras

The correct name should be:

Albert Galan I Llongueras

The Error in the inventorship is a typographical error, occurred without deceptive intention, and was not discovered during the International phase.

Respectfully submitted,


Albert Galan I. Llongueras
Dated: Sept. 26, 2006



UNITED STATES PATENT AND TRADEMARK OFFICE



21 FEB 2006

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PATENT DOCKET CLERK
COWAN, LIEBOWITZ & LATMAN, P.C.
1133 AVENUE OF THE AMERICAS
NEW YORK NY 10036

In re Application of :
GALAN I LLANGUERAS :
Application No.: 10/540,429 : DECISION ON
PCT No.: PCT/ES03/00655 :
Int. Filing Date: 23 December 2003 : PETITION UNDER
Priority Date: 23 December 2002 :
Attorney Docket No.: 26740-000/MXM : 37 CFR 1.137(b)
For: FLUID SPINNING SYSTEM :

This decision is in response to applicants' submission filed 07 July 2005.

BACKGROUND

On 23 December 2003, applicants filed international application PCT/ES03/00655 which designated the U.S. and claimed a priority date of 23 December 2002. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 08 July 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 23 June 2005.

On 07 July 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, an assertion of small entity status, a declaration of inventors, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicants submitted the basic national fee on 07 July 2005.

As to item (2), applicants submitted the petition fee on 07 July 2005.

As to item (3), the requisite statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of Inventors

The declaration of inventors filed 07 July 2005 is not in compliance with 37 CFR 1.497(a)-(b). First, there is a difference in names in the named inventor between the published international application (Albert GALAN I LLANGUERAS) and the declaration of inventors (Albert GALAN I LLONGUERAS). It is not clear if there was a typographical or transliteration error in the first name of the inventor as indicated in the international application or declaration (an acceptable explanation would be required), or if the inventor has changed his name (a petition under 37 CFR 1.182 (see MPEP § 605.04(c))) would be required), or if a change of inventorship is being made from the inventorship of the application as indicated in the international application (a petition under 37 CFR 1.497(d) would be required). Second, the declaration is not executed.

CONCLUSION

The petition under 37 CFR 1.137(b) is GRANTED for the reasons set forth above.

Applicant is hereby given the time limit of TWO (2) MONTHS from the mail date of this communication in order to file a proper response. Regarding the name of Mr. Kwon, a proper response would be a new oath(s) or declaration(s) properly identifying the inventor and signed by the inventor, or an acceptable explanation of any typographical or transliteration error in the middle name of the inventor as indicated in the international application if this is the case, or a petition under 37 CFR 1.182 (see MPEP § 605.04(c))) if the inventor has changed his name, or a petition under 37 CFR 1.497(d) if a change of inventorship is being made from the inventorship of the application as indicated in the international application. The surcharge under 37 CFR 1.492(e) for providing the declaration later than thirty months from the priority date is also required. Extensions of time under 37 CFR 1.136(a) are available.

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.


Daniel Stemmer
Legal Examiner
PCT Legal Affairs

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Legal Administration
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